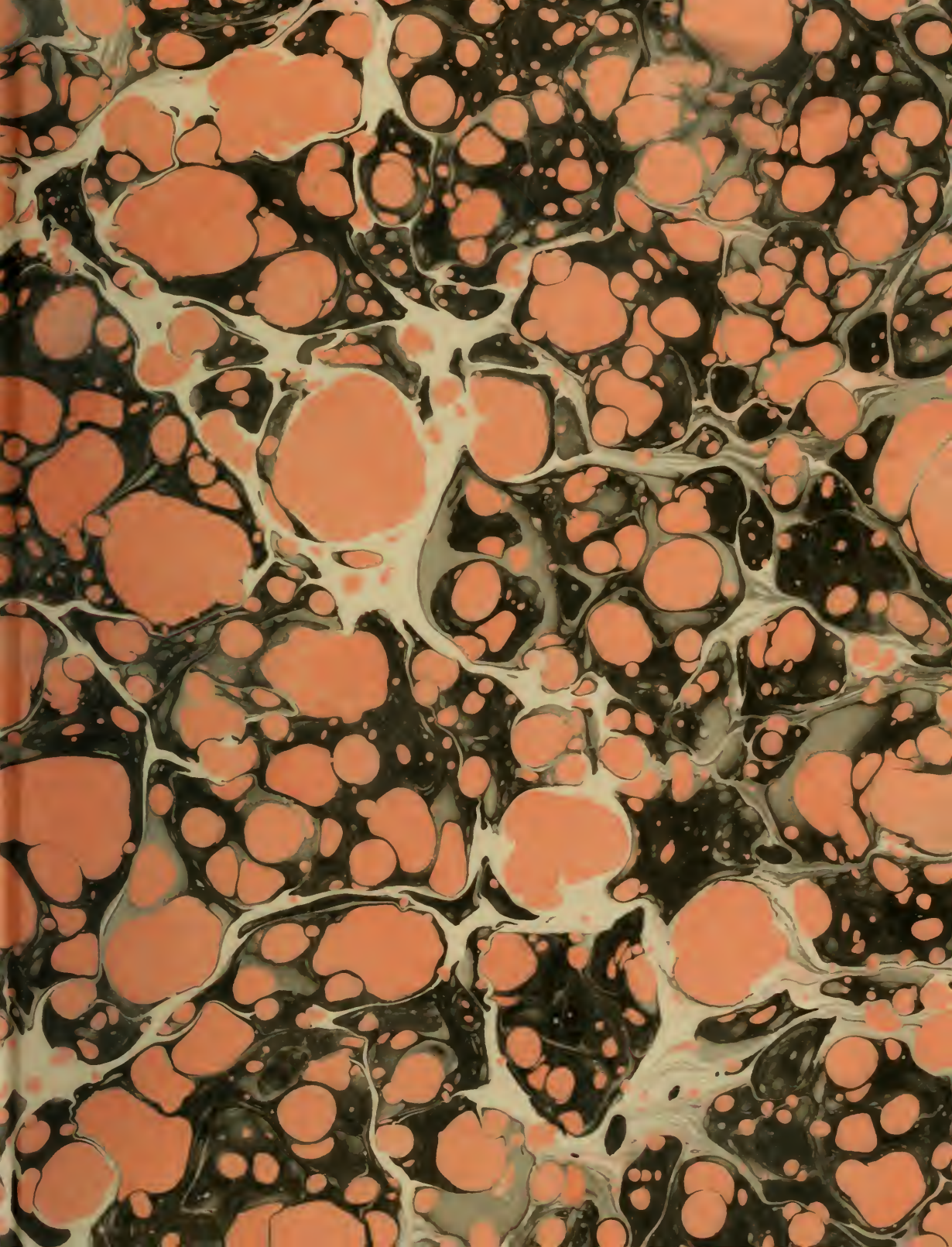

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AN

EXAMINATION

OF THE

SCRUPLES

Of Thoſe who Refuſe the

OATH of ALLEGIANCE.

[Allix, Pierre.]

LICENSED,

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1689.

James Fraser.

AN EXAMINATION OF THE SCRUPLES OF THOSE who Refuse to Take THE Oath of Allegiance.

By a DIVINE of the *Church of England.*

LONDON,
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AN

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OF THE

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IF thoſe who have proteſted againſt the Proceedings of the *Convention*, had publiſhed their Reaſons for ſo doing, it would have been an eaſie matter to have ſatisfied the Publick, by examining whether the Grounds inducing them to this Reſolution, were ſolid, or no: But foraſmuch as the greater part have acquieſced in the Judgment of the Convention, wherein we have reaſon to believe they proceeded according to the Light of their Conſcience; and the other Party hath not thought fit to publiſh the Grounds of their diſſent; we have, in the matter before us, nothing to examine, but what ſome of them may have alledged in their Converſations with their Friends, to juſtifie their Proteſt and Refuſal to follow the Senſe of the Convention and Parliament.

Scarcely was the Project of the Houſe of Commons for ſetling the Government, publickly known, but ſome moſt ſeverely condemned their propoſing of it to the Houſe of Lords, as offending them in all its parts. They could not endure to hear of an *Original Contract* between the King and the People; they found fault with the word *Abdicated*, which the Commons had made uſe of to ſignifie that the late King *James* II. had abandoned the Government of the State: And laſt of all they could not bear with their declaring the *Throne vacant*. To make void this Vote of the Commons, ſome Members of the Houſe of Lords propounded a quite different way of proceeding in this Affair; they agreed with the Commons, in declaring King *James* II. uncapable of Adminiſtring

the

the Government; as well becauſe of his Religion, which engageth him to the utmoſt of his Power to deſtroy a Proteſtant State; as for the care he has taken, ſince his coming to the Crown, to evidence to all his People, that he was reſolved to overthrow the Government eſtabliſhed by Law, to make way for Popery; but that notwithſtanding all this, they could not declare that he had broke the Original Contract between him and his People, or deprive him of the Royal Dignity.

Secondly, That his retiring out of *England* into *France*, could not be accounted a voluntary and lawful Renunciation of the Government; and conſequently that it could not prejudice the Right he has, during his Life, to the Crown, as being a Right devolved upon him by Succeſſion.

Thirdly, That ſeeing the Throne could not be ſaid to be vacant, the Prince of *Orange* could not, without injuſtice, be advanced to the Dignity Royal; becauſe thereby the Right of Succeſſion would be overturned, and the Conſtitution of the Government changed, by making the Kingdom Elective; nor the Princeſs neither, becauſe this would be an invading of her Father's Right, whom Death alone could diveſt of the Soveraignty.

But being ſenſible, as well as the Commons had been, that theſe Suppoſitions admitted, would ſubject the Kingdom to inexpreſſible Confuſion; they pretended to remedy this Inconvenience, by declaring the Prince of *Orange* Regent of the State, by reaſon of the King's incapacity to adminiſter the Government; to grant him all the Rights of Soveraignty, except the Title of King, and to ſwear to him the Oaths of Allegiance and Supremacy, under the Title of Regent of the Kingdom; which proviſion ſeemed to them ſufficient to ſettle the Government on a ſure and laſting Foundation, without ſhaking of any of thoſe Maxims they oppoſed to the Reſolve of the Houſe of Commons, as being maintained by the generality of the Divines of the Church of *England*. It was viſible enough, that this expedient of the Lords was not ſufficient to preſerve the Fruit of the Deliverance God had ſo lately afforded us; and it had been already rejected, as an *unprofitable* Device, by the *Weſtminſter* and *Oxford* Parliaments, *Anno* 1680. Neither did it at all anſwer the firſt ſteps the Lords made, after the Retreat of *James* II. for they immediately took upon them the Government, as being wholly abandoned, and afterwards put it into the hands of the Prince of *Orange*; they deſired him to call a *Convention*.

vention. All which Acts of theirs, made it as clear as the light, that they no longer owned the Authority of King *James* II. who had quit the Throne: For ſuppoſing the continuance of his Authority, none of theſe Acts could be accounted lawful, as being ſo many Attempts againſt the Soveraignty.

And foraſmuch as neither the Commons, nor the greater part of the Houſe of Lords, did ever agree to this Expedient; but following their firſt Reſolutions, have proclaimed the Prince and Princeſs of *Orange* King and Queen of *England*, and have ordered the Oath of Allegiance to be ſworn to them; it appears that the Scruples of thoſe who propounded the Regency, as an happy Expedient for ſetling of the Government, were only founded upon the Maxims before mentioned, which they conſidered as an unmoveable ground to build upon. Wherefore to deliver them from the Heſitations which the proclaiming of the King and Queen, and the neceſſity of taking the Oath of Allegiance, have raiſed in their Spirits; we muſt enquire, whether the Principles they go upon be ſo immoveable and inconteſtible, as they ſuppoſe them to be; or whether indeed they have not built upon falſe Suppoſitions. I know there are already ſeveral Diſcourſes publiſhed upon this Subject, wherein the Proceedings of the Convention are ſtrongly aſſerted, and many thereby freed from their Scruples, by diſcovering the Prejudices they laboured under. Yet foraſmuch as it is of uſe to treat ſtill of Subjects, as long as the neceſſity of further clearing of them continues; I preſume I ſhall not loſe my pains in examining them afreſh, in hope of propounding ſomething that may ſatisfie the Conſciences of thoſe who have ſtarted at the apprehenſion of theſe difficulties, which is the main deſign of this Writing.

The firſt Queſtion, *viz.* Whether there be an *Original Contract* between the King and People; the Suppoſal of which, the Commons made their Foundation, is the eaſieſt thing in the World to be determined? To convince any rational Man hereof, it is enough to put him in Mind only of the Oath, the King ſwears to his People, and the People to their King at his Coronation; which is the Seal of that Original Contract. There are two Sorts of Oaths, according to the Conſent of Divines; the one Judicial, taken at the Command of a Judge; the other Extrajudicial, which is taken by the Agreement and Conſent of two Parties, who agree mutually to take it; which is therefore alſo called

led Conventional, *Sylveſt. de Juram. c.* 1. §. 3. This being granted, it cannot be denied, that there is an *Original Contract* in all Kingdoms, where the People take an Oath of their Princes; the Oath on their Part being nothing elſe, but the ſolemn Confirmation of the Obligation they enter in, to perform their Part of the Conditions, which are impoſed upon them by the State. 'Tis very ſtrange, that in a Matter thus clear and Self-evident, as this is, ſome ſhould have expreſs'd themſelves in a flouting way, That the Houſe of Commons would have done well, to have ſent the Lords a Copy of this *Original Contract*, drawn from their Regiſters, wherein they ought to have preſerved it, if any ſuch were. They ſhewed ſufficiently with theſe Words, That they never had a right Notion of the Government of *England*, nor of the Nature of the Coronation-Oath; which, to a Demonſtration, proves this Contract. They might have learnt this Point, from the noted *Mirror of Juſtices, Chap.* 1. *Sect.* 2. where after having ſhewed, that God had ſubdued the Ancient *Britains*, becauſe of their unjuſt Government, to the Power of the *Saxons*, who conquered *England*, there being no leſs than forty of them, that were Companions in the Soveraignty; *Theſe Princes* (ſaith he) *after great Wars, Tribulations and Troubles, ſuffered for a long time, choſe themſelves one King to reign over them, to govern God's People, and to maintain and defend their Perſons, and their Goods in Peace, by Rules of Law. And at the Beginning, they made the King to ſwear, That he ſhould maintain the Chriſtian Faith with all his Power, and govern his People by Law, without having regard to the Perſon of any one, and that he ſhould be obedient to ſuffer Right, as well as his People.* Than which a more true Notion cannot be given of the Government of *England*, its Original, and the Obligation that lies upon thoſe, who take the Coronation-Oath.

I know there be ſome Men, whoſe Skulls are thick enough to maintain, That the Oaths Kings take at their Coronation, do not at all oblige them to their People; but only their Conſciences, with Reſpect to God. But the four following Conſiderations are ſufficient to diſabuſe them of this Illuſion they put upon the State and Kings themſelves. Firſt, It is falſe, that Kings do not ſwear to the People; 'tis to them they preciſely direct their Promiſe, with the Oath that confirms their Promiſe and Obligation, *Bracton Lib.* 3. *Cap.* 9. Secondly, If this Divinity will hold, Why then are

not

not the People as well disingaged from the Obligation that is upon them, to perform the Promises they have made to their Kings, and confirmed by their Oaths, as being only obliged in Conscience to God, but not to the King?

Thirdly, They may be convinced of their Errour, by the plain sence of the Oaths that Kings take in Elective Kingdoms, these being the expres words of the Oath taken by the Kings of *Poland*: *If I shall violate this my Oath, the Inhabitants of my Kingdom shall not be bound to shew me any Obedience.*

Fourthly, If it be said, that this indeed is so in Elective Kingdoms, but that it cannot take place in those where the Crown descends by Succession; this Supposition of theirs, that Succession alters the nature of the King's Oath, is altogether false and ungrounded: We have an instance hereof, in the Kings of *Spain*; who when they are Crowned Kings of *Arragon*, which they possess by Right of Succession, the People, after that the King has taken the Coronation-Oath, speak in these terms: *We who are as powerful as You, but are more considerable; constitute You our King, for to preserve our Laws and Liberties; which if You do not do, this goes for nothing.* And certainly it is a very pretty Idea these Men frame of the Royal Oath: A King obliges himself before God, in the most solemn manner imaginable, to keep the Laws; but for all this, say they, there is not the least tye upon him to his People. If this were indeed the case with Kings, they had much better, after having performed this Ceremony, openly protest, That what they had done, was only in mockery and masquerade; for that though they should violate the Laws and overturn the Government, they only in so doing, act according to their Power and Right; and no body can of right say to them, any more than to the Pope, *Why dost thou so?* At least, this would be of absolute necessity to disabuse the People, who, upon the respect they have for an Oath, are apt naturally to conclude, (without doubt by an effect of Stupidity common to all Mankind) That Oaths oblige the Parties that take them, not only towards God, but also to those to whom in particular they are addressed.

I grant, that the Governments which require an Oath from their Kings at their Coronation, have not been careful to subjoin to it the same Declaration the States of *Arragon* have thought fit to do: However, it is evident that the leaving out this Clause, does not at all alter the case. Thus we see, that in Matrimonial

Contracts, though the Clauſe of Divorce in caſe of Adultery, be not expreſs'd, as indeed it is uſual to omit Clauſes that are odious; yet cannot we inferr from thence, that that Condition is not as expreſly to be underſtood, as if it had been declared in plain words and at large. We read in the Laws of St. *Edward*, which were afterwards ratified by King *William* the Conquerour, and which are to be ſworn to, by all Kings at their Coronation, That if the King do not Govern according to the end for which he was conſtituted, *He ſhall not ſo much as retain the Name of a King, but forfeits that Title.* So that we ſee how the fundamental Laws of the Nation do decide the point. The famous *Forteſcue*, Chancellor of *England*, was ſo ſenſible of this *Contract*, that he lays down in his Book *de Laudibus Legum*, That the Power of the King of *England*, is a Power limited and bounded by Laws, which he cannot change at his own pleaſure, and by ſuch Laws as his Subjects themſelves deſire; and this he calls a Political or Civil Government, and aſcribes the Original of all Forms of Government only to the voluntary Conſent of the State.

Nec nomen Regis in eo conſtabit, verum nomen Regis perdit.

Taking for granted then (as indeed it cannot be denied) that there is an *Original Contract* between the King and People, the Enquiry will be, Whether King *James* II. did not violate that Contract, by breaking the Oath he ſware to the People? That he has broken his Oath in all the parts of it, is a thing ſo evident, that even thoſe who were for his keeping the Title of King, though they thought fit to take from him the Adminiſtration of the Royal Dignity, never durſt call it in queſtion. The matter of fact was but too apparent, and the effects of it too ſad and ſenſible. Now this ſuppoſed, for it needs no proof, Can we rationally conclude that *James* II. has not forfeited the Right and Title of King? If on his part he has broke all the Ties he had engag'd himſelf in, to his People, Who ſees not that in ſo doing, he has diſſolved the Original Contract which he had confirmed by Oath? To ſay that a Contract may ſtill ſubſiſt, though one of the Parties break the Conditions by forſwearing himſelf, is a meer Contradiction; becauſe a Contract cannot ſubſiſt, but by performing the Conditions for which it was made at firſt: So that we cannot doubt, without confounding the nature of things, but that *James* II. by breaking the Engagements he had taken, and confirmed by Oath, has ſet free his People from their Oath of Allegiance, by which they engaged

gaged themſelves to him, only on condition of his performing the Promiſes he had made to them. In this caſe it is that Maxim takes place: *With him that breaks his Faith, Faith may be broken.* The King promiſes to Govern according to Law, and upon this account he enjoys the Rights and Prerogatives annexed to the Crown; the People on their part promiſe Fidelity and Allegiance to him according to the Laws: As ſoon therefore as *James* II. began to overturn the Laws, as he has done in the moſt profeſs'd manner imaginable, he at the ſame time alſo diſſolved the Original Contract, by which alone he could demand Obedience from his People, who ſtand no longer engaged to him by their Oath of Allegiance. What I here alledge, is confirmed by all the Divines of the *Romiſh* Church, who have not ſacrificed their common Senſe to Court-Flattery. See what *Æneas Sylvius* ſpeaks to this point, *Lib.* 1. *de Geſtis Concil. Baſil.* where he relates the Diſcourſe of the Biſhop of *Burgeos*: *The Pope is in the Church, as a King in his Kingdom; but to ſay, that the King has more Power than all his Kingdom, is abſurd: Wherefore, as ſometimes Kings, for Male-Adminiſtration and Tyranny, are wholly excluded and turned out of their Kingdoms; ſo neither can it be doubted, but that a Pope may be depoſed by the Church; that is, by a General Council. Nor do I give any heed to thoſe who attribute to Kings ſuch an unlimitted Power, as not to be tied to the Laws; theſe being only a ſort of Flatterers, that ſpeak contrary to their own Senſe and Judgment.* And after having proved that Kings were originally conſtituted by the Conſent of the People, and that they are ſubject to the Laws, whereof they are only the Executors, he adds, *But if we ſee a King that contemns the Laws, takes away his Subjects Goods by force, forces Virgins, abuſes married Women, ſubjecting all things to his Luſt and raſh humour; Will not the States in this caſe, being met together, depoſe ſuch a Prince from his Throne, placing another there, who ſhall ſwear to Govern well, and obey the Laws? Surely, as Reaſon tells us, it ought to be thus: So we ſee that Practice in ſuch caſes, confirms it.* I the rather quote this Authority, becauſe it confirms a Maxim acknowledged by all the Ambaſſadors, Biſhops, and Deputies of the Weſtern Church, and by thoſe of *England* in particular, who were preſent at that Council, and did not in the leaſt queſtion the point; whereas, it is very probable, the Ambaſſadors of *England* would have oppoſed it, if they had thought it contrary to the Laws and Cuſtom of their Country. But indeed, with what face

Frangenti fidem, fides frangitur eidem.

could they have objected any thing againſt the truth of this Maxim, when but fifteen or ſixteen years before, *England* had depoſed *Richard* II. laying down as an unmovable ground, That he was ſo far engaged to keep the Oath he had ſworn to his People at his Coronation, that having broke ſeveral Articles thereof, and being conſequently convicted of Perjury, they were no longer obliged to own him for their King. We have in *Knighton* the whole proceſs of this Depoſition, which deſerves to be conſidered by us in its Principles and Concluſions, as being ſuch, which I ſcarce believe any dare deny; and the Examples thereof have been ſo frequent in other Kingdoms, that *Mariana* in his Book *de Rege*, *Lib.* 1. *C.* 3. Dedicated to King *Philip* III. examined by his Order, and printed with his Privilege, by his *Printer*, was not afraid to aſſert, *If a Prince by his ill Government, brings the State into danger; if he be a Contemner of his Country and Religion, and will admit of no Remedy, that then he ought to be Abdicated, and another to be ſubſtituted in his room, as has often been done in* Spain; *and muſt juſtly ſuffer as a wild and ravenous Beaſt, expoſed to the Darts of all; becauſe diveſting himſelf of humanity, he is turned Tyrant.*

I know there are a ſort of People, who ſuppoſe they can knock off theſe Examples and Authorities all at once, by boldly aſſerting that theſe Cuſtoms and this Doctrine, are only the effect of Popiſh and Jeſuitical Errors: But pray, let ſuch conſider, 1. That thoſe of the Reformed Religion in all places, and particularly in *England*, have always approved them, as I ſhall make appear in the ſequel. 2. That the contrary Opinion ought rather to paſs for a Popiſh and Jeſuitical Opinion; becauſe it is certain, that thoſe who firſt maintained it, whatever averſion they might pretend to have againſt the Jeſuits, did defend it in favour of the Jeſuits, and to promote their Pretenſions; who without this Opinion, could never ſo ſecurely have advanced their Deſigns. 3. If this Opinion be once admitted, it will inevitably follow, that neither in *England*, nor any other part of *Europe*, there is, or can be, any lawful Soveraign whom the People are bound to obey, thoſe who Reign at preſent having no other Right but what they have derived from Princes ſubſtituted in the room of thoſe that have been depoſed by the State.

This being premiſed, 'twill be eaſie to ſee through the Objections ſome have made againſt the word *Abdicate*, made uſe of by the *Convention*. It plainly appears, that the Commons by that term,

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meant nothing else but to express King *James* his actual Renunciation, by abandoning the Government, rather than consent to those equitable Conditions offered to him, if he had been willing to return to his Duty, and keep his Oath, whereby he stood engaged to his People. It cannot be asserted without extream impudence, That *James* II. was ignorant of the occasions of complaint he had given to his Subjects, since his coming to the Crown, since the Trial of the seven Bishops, the Prince of *Orange*'s Declaration, had in general touch'd at the Breaches made upon the Law. The Bishops also presented a Memorial to the King, wherein they mention'd the chief Grievances the State labour'd under, in ten Articles; and he was so far convinc'd of the Equity of their Demands, that to reconcile those whom he had made averse from him, he began in appearance to re-establish some of the Laws he had over-thrown, and to undo some of his unjust and arbitrary Proceedings. But after all, it appears but too evidently, that in all this, there was nothing of sincerity; for he did not think fitting to give any satisfaction as to that point, which was the greatest Grievance of all; but continued in the Resolution of challenging to himself a Power to dispense with the Laws; so that whatsoever he had, during the pressure of his Affairs, repaired, might as easily afterwards be overthrown again, as soon as the danger which threatned him was blown over: And all the Laws since *Henry* VIII. which are the foundation of the Government, were always in the same danger of being repealed, at least dispensed with, at his pleasure. If this had not indeed been his case, it had been easie for him to have calmed the Troubles he had raised, and continued in his Kingdom in peace and safety. But having fixed his Resolution, and Necessity pressing him to alter his measures, he chose rather to quit the Kingdom than his Resolutions. Now that all this is not spoke by Conjecture, appears from his own declared and avowed Principles; for after his return from *Feversham*, was it not fit he should immediately have declared, that he had changed his Resolution, purposing for time to come, to Rule according to Law, and openly renouncing the Arbitrary Power he had arrogated to himself? Was not this the time for him, in pursuance to the earnest sollicitations of his People, to declare he would referr all things to the Decision of a free Parliament, and to send out the Writs for their Election, which he had kept back? Surely, a small stock of Prudence, had he inclined this way, had been sufficient to have shewn him, that

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this was the nick of time to put an end to the Fears and Complaints of his People, and confirm himself in the Throne: Whereas instead of taking this natural and ready way, and instead of acquiescing in those equitable Conditions, which the Commissioners he had sent to the Prince of *Orange* had brought him, and which he seemed to have approved as both just and advantageous to him; he still continued in the design of retiring himself, and to leave *England* rather than to change the measures he had taken to oppress them. If we judge without prejudice of this his Retreat, it is natural for us to conclude, That not seeing any possibility of effecting his designs in *England*, he thought best to retire to *France*, and from thence to invade *Ireland* or *Scotland*, there to prosecute his first-fix'd design; hoping that after a more easie inducing of those Kingdoms, (in the state he had put them,) to arm against *England*, he might easily oppress that Kingdom also, and reduce them to that condition, as nothing more should be an Obstacle to his Arbitrary Government. When a Prince has overthrown the Laws, and employ'd unlawful Arms to maintain this his Usurpation, if those, who by their Rank and Interest in the State are engaged to oppose themselves to his Violence, oblige him either to betake himself again to the ways of Justice, from whence he has departed, or to quit the Government; is it not evident that he renounces the Government, by refusing to change his former unjust and illegal Courses? Whether he departed out of fear, or any other motive, is not material to this Enquiry; but certain it is, that *James* II. having done both, rather chose to retire himself, than to part with the Resolution he had taken to overthrow the State; being so far from acquiescing in the Remonstrances that had been made to him, and from calling a Parliament, to which he had been so earnestly sollicited, and for which he had engaged his Word; that on the contrary, he abandons the Government, and casts himself into the Arms of a Prince that is an Enemy to the Government, and who has always endeavoured to subvert their Laws and Religion: It follows therefore, that he has really *Abdicated* the Government, as the Parliament have declared.

Neither can any difficulty be raised here, concerning *James* II. his abandoning of the Government, because his Retirement was not altogether voluntary, but rather by a kind of force and constraint: For as it is most true, that the essence of Things doth not depend on their Formalities; and that it cannot be denied, but that

that he has always retained, and ſtill doth, his deſign of overturning the fundamental Laws of the Government, having to this end kept up a ſtanding Army, contrary to the Laws; and not being able to bring about his end, has caſt himſelf into the Arms of the *French* King: All which being evident beyond diſpute, the circumſtance of his (in ſome ſort) involuntary retirement, which with ſo much Affectation is exaggerated by ſome, will be found of no moment. *If the People have power to conſtitute a King, they who have made him ſo, may without any injuſtice either lay him aſide, or curb his Exorbitancy, in caſe he attempts tyrannically to abuſe the Power Royal:* Which is the Opinion of *Thomas Aquinas*, in his Book Dedicated to the King of *Sicily*, *L.* 1. *C.* 6. *Neither are we to believe, that the People, in depoſing of a Tyrant, are guilty of any breach of Faith or Diſloyalty, though they had formerly by Oath obliged themſelves to him, becauſe he deſerves that his Subjects ſhould not keep the Faith they had promiſed him, foraſmuch as he hath not carried himſelf faithfully in Ruling his People, as the Duty of a King requires*; as the ſame Author continues in the fore-cited place. Cardinal *Aureolus* teaches the ſame thing, in 2. *Diſt.* 44. *quæſt. Art.* 3. *We perceive from hence, that a King may play the Tyrant over his Subjects, as having no Superior to whom they can appeal from him: Wherefore if it happens in a City or Community, that the Prince turns Tyrant, if he have no Superior, in this caſe the whole Community may juſtly, and according to right Reaſon, join together to reduce him to Reaſon; or if he prove incorrigible, for ever depoſe him.* *Grotius* clearly aſſerts the ſame Doctrine, *de Jure Pacis & Belli*, *L.* 1. *C.* 4. §. 13. *If a King*, ſaith he, *have one ſhare in the Soveraign Power, and the People or Senate another; if the King entrench upon the Power of the People, he may be juſtly oppoſed, as extending his Power beyond its bounds; and this I judge ought to take place, notwithſtanding what hath been ſaid before, that the Power of waging War is in the King; for that is to be underſtood with reſpect to foreign War; it being ſelf-evident, that he who has a ſhare in the Soveraignty, muſt needs have a Right to defend and ſecure the ſame: And where this happens, it is as plain that the King may loſe his ſhare in the Government by the Law of War.* This Doctrine not only ſhews that the *Engliſh* have juſtly taken up Arms to oppoſe the Invaſion of their Rights and Privileges, but alſo that *James* II. who had invaded them, under Covert of an Army raiſed contrary to Law, perſevering in his deſign of abuſing the Royal Power; and chuſing rather to leave the Government, than to return to the bounds of Law and Juſtice; we cannot,

not, without incurring the cenſure of Vanity, trouble our ſelves any further about enquiring, whether this his quitting of the Government, was more or leſs voluntary. When King *Edward* II. being taken Priſoner, and depoſed for following the Counſel of the *Spencers*, was obliged by the Parliament to abdicate the Crown, which they beſtowed upon his Son *Edward*, Hiſtorians tell us, that he refuſed to conſent to any ſuch Abdication; however, becauſe he expreſs'd himſelf as beholden to the Parliament for conferring the Crown on his Son *Edward* III. the Parliament either ſatisfied themſelves with the Acknowledgment, as a kind of Abdication; or forced him to agree to a formal one; as indeed ſuch an one was formerly to be ſeen amongſt the Rolls of Parliament: Shall we be ſo weak to think, that the Parliament did much concern themſelves, whether this Abdication was more or leſs voluntary? It appears it was done in a Priſon; and after ſo much repugnancy on the King's ſide, that it was but too evident he would never have conſented to it, had he been at liberty to have made his choice, but would have always continued in his deſign of confounding the Government, as he had done before. It is therefore apparent, that whatſoever was done on this occaſion by the Lords, who went to the King to demand this Abdication of him, was only for to ſatisfie the Queen; and his refuſal would not at all have hindred them from paſſing the Act, by which he was afterwards depoſed.

The third point concerns the *Vacancy of the Throne*, which ſeems to overthrow the Notion of Succeſſion, and that common ſaying in ſucceſſive Kingdoms, That *the King dies not*. To which may be anſwered, 1. That this Saying has neither all the Truth, nor all the Uſe which is commonly attributed to it: Sure it is, that it is founded on a new Notion, *viz.* That the Coronation of a King is only a ſimple Ceremony; whereas in ancient times, the Reign of Kings bore date from the Day of their Coronation; *Du Tillet* the French-man, affirms it was ſo in *France: Recherches*, L. 2. p. 154. and the Learned avow the ſame concerning the Kings of *England*; of which, if any deſire to be further ſatisfied, they need only conſult the publick Records of this Kingdom. Beſides, we know that the Death of a King puts an end to the Authority of Judges derived from his Commiſſion; which could not be ſo, if the Royal Authority did not die with the King, and revive again upon the declaring of his Succeſſor. However it be, it cannot be denied but that the Commons have expreſs'd themſelves with a great deal of Prudence

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and precaution; and it is matter of wonder, that those who have censured this Expression, did not consider, that it was not possible to make use of a more proper term, in those circumstances: It preserved the Notion of Kingly Government, which they thought necessary to preserve; it implied that the Throne was to be filled some way or other, whether by placing the next Heir upon it, or to place the Prince of *Orange* with the Princess, as afterwards was done. We may also observe, in Justification of the wise Conduct of the Commons, that the pretended Prince of *Wales*, was so generally taken for a Suppositious Prince, that even amongst those that declar'd themselves for a Regency, there were very few that were not for rejecting him; some of them, for that supposing he were Legitimate, yet being educated in the Popish Religion, he would be no less incapable of the Government, than his Father *James* the II. and others, because the Jealousies of his being suppositious, were much encreased since his being carried into a Foreign Land, and Enemy to the Government. Now what more rational Conclusion could in this Case be resolved on, than to declare the Throne vacant?

But, say some, suppose the Prince of *Wales* ought to have been excluded as Suppositious, which was in the Power of the Convention to do, had it not been more natural to have followed the Law of Succession, which supposeth that the Throne cannot be vacant, as long as there are lawful Heirs, whose Rights we have sworn to observe, by swearing Allegiance to *James* II? This Objection, tho' at first Sight it may seem of some moment; yet, narrowly look'd into, is of no Solidity at all. For, First, it is certain, that a King who forfeits his Kingdom upon the Account of being a Tyrant, at the same time forfeits his Rights, both as to himself and Posterity. Indeed, common Sense assures us, that a State, which has been oppress'd by the Tyranny of a Father, ought to apprehend nothing more than the Succession of his Children. *Rome* was very sensible of this, when she destroy'd the Family of the *Tarquins*, for their Father's Crimes, notwithstanding they had chosen that Family to be their Sovereigns. Tyranny cannot be exercised by one alone; wherefore, a Goverment that would secure it self, from the Evils incident to the Succession of a Son, descended from one so dangerous to the Community, are obliged, at the same time they free themselves of the Oppressor, to exterminate a great Number of those, who by Interest, Compliance, or other

Motives, have been the Inſtruments of the Fathers Oppreſſion, and who might probably introduce it again, having a Sovereign diſpoſed that way.

Secondly, It is not true, That the Oaths whereby we ſtand engaged to the King and his Succeſſors, are abſolute Oaths, and ſuch as ſuffer no reſtriction: For it is evident they are conditional, and that they imply, that the Father, to whom the Oath is ſworn, ſhall govern the Kingdom according to the Laws preſcrib'd to him. Theſe Oaths are an Expreſſion of the Confidence the People have in the Reciprocal Fidelity of their Prince, to whom they ſwear Allegiance; but cannot be of any larger Extent, than the Oath ſworn to the Father, which Oath is conditional. The Promiſe made to the Poſterity of a Man, ſuppoſeth the Father's faithful Performance of his Promiſe, and his Poſterities Capacity to govern the State; for they may become uncapable of governing ſeveral ways. Biſhop *Bilſon*, *p.* 240. agrees, that extreme Weakneſs and Folly, or Phrenzy, are ſufficient Cauſes to deprive Princes of their Right of the Sword. He maintains, That if the lawful Heir of any Crown be a Fool; or if he, who is crowned, afterwards becomes diſtracted and beſides himſelf, the Kingdom may proceed to the Choice of another by common Conſent and Advice: He doth not ſay, That in this caſe it is neceſſary to ſet a Tutor over him, but to ſubſtitute another in his Place. Let us take a view of another caſe, that is yet more conſiderable. If a Prince hath, during his Fathers Life, engag'd himſelf in a League with the Enemies of the State, and left his own Country with Deſign to invade it at the Head of its mortal Enemies, Shall we ſay, that becauſe he is the Eldeſt Son, the People are obliged by their Oath, to admit him for their King, to reſign themſelves to his Conduct, and acknowledge his Authority? I alledge this Example (which by the way juſtifies the Proceedings of the *Weſtminſter* and *Oxford* Parliaments about the Excluſion of the D. of *York*) only to make it appear how far we are miſtaken in maintaining, That the Oaths which include the Heirs of the King, to whom Allegiance is ſworn, are abſolute Oaths, and ſuch as admit of no Reſtriction.

Thirdly, Thoſe who are acquainted with the Hiſtory of *England*, muſt needs confeſs the Truth hereof. We know that *William* the Conqueror left four ſeveral Sons at his Death, the Eldeſt, *Robert* Duke of *Normandy*, who had been then five Years in the Holy Land; and *William* the Third Son, who was at that time in *England*,

England, and whom the Parliament choſe, to the Prejudice of his Elder Brother, for their King, upon his ſolemn Promiſe to reform the Diſorders his Father, *William*, had cauſed in the Government, and which he had kept up, by his being almoſt continually in Arms. Shall we ſay, that in this Interval between the Death of *William* the Conqueror, and the Coronation of *William* II. the Throne was not vacant? If by virtue of the Oath ſworn to *William* the Conquerour for him and his Heirs, the Throne were filled, How could the Engliſh be ſaid to fear the *tottering Condition of being long without a Government*? as *Matthew* of *Paris* expreſſes himſelf. And if they thought themſelves engaged to *Robert* by Oath, how was it they ſo unanimouſly proceeded to the Election of *William* II. It is apparent that they acted thus from this Perſwaſion, That though they were engaged to take one of *William*'s Race to be their King, yet were they not bound to take the Eldeſt; as fearing from his former Behaviour, that he would follow the ſteps of his Father, and continue to oppreſs them. There be two ſorts of Vacancies; one which the Canoniſts call *True*, and the other *Falſe* or *Interpretative*. A Biſhop that is turn'd Heretick, the Fact being ſo notorious, that it is not neceſſary to proceed to a Trial, his See is thereupon, without any more a-do, declared Vacant; according to which Rule, the Vacancy as to *James* II. is evident. But in Caſes where there can be no Succeſſion, without a mutual declaration of Engagements, whereby the Succeſſor binds himſelf to his People, we muſt of neceſſity own that there is a kind of interpretative Vacancy during that interval. The Condition of a Kingdom, is very different from that of a particular Inheritance: For though it be in the hands of a Prince, yet it is not in his power to alienate it; neither can he poſſeſs it, but under certain Conditions impoſed upon him, and for the performance of which he takes a moſt ſolemn Oath; he cannot enjoy the Crown, with the Prerogatives thereof, without performing the Duty he has bound himſelf to: And in caſe he ſhould tell his People, that he doth not think himſelf bound by his Oath, and openly declare, that he is reſolved to break the Laws and oppreſs his Subjects, I don't believe any can be ſo ſtupid as to imagine, that after this Proteſtation, his Subjects are ſtill obliged to acknowledge him their lawful Soveraign. This being ſo, we muſt acknowledge that the Convention (eſpecially conſidering that the abſence of the Princeſs of *Orange*, who therefore could not, during

Diu ſine Regimine vacillare.

this interval, take upon her the Care of the Government) had all the reaſon in the World to pronounce the Throne Vacant.

Fourthly, We find that after all, the Convention have carried it with that moderation, that they have very little or not at all entrench'd upon this prejudicate Opinion; for they placed the P. of *Orange*, with the Princeſs his Conſort, on the Throne; 1. With the Conſent of the Princeſs her ſelf, who could never think to ſit ſo ſure there, if ſhe were not aſſiſted by the Valour and Heroical Qualities of the Prince her Husband. 2. Without entrenching upon the Right of Succeſſion, which they have kept in the ſame Channel; ſo as the Princeſs *Anne* has all the reaſon in the World to be ſatisfied, with the regard the Convention has had for her Intereſts. 3. They have given another mark of the Care they had to preſerve the Succeſſion, becauſe they poſtpone the Children of the Prince of *Orange* by another Wife, if he ſhould outlive the Princeſs his Conſort, to the Heirs of the Princeſs *Anne*. Let us compare the great Care of this Convention, with the Proceedings of that Convention which made choice of *Henry* VII. to the prejudice of the Princeſs *Elizabeth*, who was the next Heireſs, and ſwore Allegiance to him, before he was married to that Princeſs, and we ſhall find that the preſent Convention has made uſe of its Right with a great deal more moderation, than was done at that time, and in Circumſtances that bear a great reſemblance with ours.

Theſe Proceedings of the Commons having been approved by the greateſt part of the Lords, and theſe two Bodies which repreſent the whole State, having agreed in maintaining the Maxims I have laid down, it would be a hard thing to imagine how any Scruples could be left in ſo eaſie and evident a matter, did not we know the ſtrange efficacy of Prejudice upon the Minds of Men. It was proper for thoſe who have propounded their Sentiments in either of theſe Bodies, whereof they are only Members, to conform themſelves to the Reſolves of their Body, there being no other means to give peace to a State, than that the leſſer Number in all Aſſemblies, give way and ſubmit their Judgment to a plurality. It is lawful indeed to oppoſe a Reſolution before it be determined, but there is no diſputing of a Reſolution carried by a Majority: If any will needs proteſt to ſhew that they have no ſhare in the Reſolve, and thereby ſignifie to Poſterity, that they foreſaw the ill Conſequences of it, they may do it; but after all, they muſt ſubmit

mit themſelves to the Law the Plurality has ratified. I do not ſee how any other way can be thought of, to preſerve the Government under which we are reſolved to live. To ſay that we are willing to own the Government, and obey it, but cannot for all that ſwear we will do ſo, is a thing repugnant to common ſenſe: For how can we refuſe to promiſe to do a thing in the preſence of God, which we are reſolved to do? And to ſay, that we ſuppoſe we may live under a Government, without promiſing Obedience to it, is the moſt monſtrous and incongruous thing in the World: And I queſtion whether any Man can be ſo ſtupidly ignorant in the Affairs of Life, as to imagine that any Government ſhould be ſatisfied with ſuch a diſpoſition in its Subjects.

I doubt not but thoſe who by their Scrupuloſity have ſuffered themſelves to be drawn in not only to proteſt againſt theſe Proceedings of the Convention, but alſo to expreſs their backwardneſs to take the Oaths required of them, think themſelves to have good reaſon for their ſo doing; tho indeed it appears that their Scruples are ſupported by nothing but meer prejudice. Some think the Church of *England* entertains other Sentiments concerning the Rights of Soveraignty, than all other Divines, whether Papiſts or Proteſtants, do; and that according to her Hypotheſis, it is never lawful with Arms to oppoſe the Enterprizes of a King, who, in all his Conduct, ſhews himſelf for arbitrary Power, or to lay him aſide. Others again believe that this their Doctrine has now obtained the force of a Law, ſince the Long Parliament was pleaſed to paſs an Act ſomewhat to that purpoſe. Yea, there are ſome who maintain, That the Allegiance they have ſworn to *James* II. does in Reaſon and Equity hinder them from engaging their Fidelity to K. *William* and Q. *Mary*, as the Parliament has decreed: Theſe are the moſt conſiderable Difficulties which hinder ſome ſcrupulous and nice Perſons from acquieſcing in the juſt and wiſe Determinations of the State: We may juſtly ſay this in favour of them, That they propoſe theſe Difficulties with all the Modeſty imaginable, and ſeem very far from condemning the Senſe of the Publick, or from the leaſt inclination of troubling the Peace of the Government, which gives good hope they will be the more eaſily ſatisfied.

That the Church of *England* does maintain Opinions concerning the Rights of Soveraignty different from what are received by all the reſt of Chriſtendom, whether Papiſts or Reformed, is a ſtrange

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ſuppoſal. What proof can they ſhew us, to make us believe, that the Church of *England*, in a matter relating to Policy, ſhould undertake to oppoſe the Definitions of all the wiſeſt Lawyers, in condemning the Right which People have to rid Themſelves from the Oppreſſion of Tyrants? Whilſt all others of the Reformed Religion, agree with the Divines of the Church of *Rome* in this point, which depends only on the knowledge of the Conſtitution of Governments, and about which the Goſpel affords us none but very general Rules; for, as Dr. *Hammond* ſaith, Jeſus Chriſt does not meddle with the Temporal Government of this World, on 1 *Cor.* 7. 22. What reaſon had the firſt Reformers in *England*, to maintain this Paradox, in favour of thoſe Princes which Govern tyrannically? None but Flatterers and fawning Courtiers have front enough to undertake the defence of a Cauſe, and Maxims, that change Free-born People into meer Slaves, as *Æneas Sylvius* obſerves very well; and ſhall we dare to put ſuch a mark of Infamy upon thoſe illuſtrious Reformers of this Church, by fathering upon them ſo ſtrange and degenerate an Opinion? I readily acknowledge, that with other Reformers, they have highly maintained the Authority of Princes, againſt the Popes pretended Authority, who now, for theſe ſix Centuries, has arrogated to himſelf a Right of depoſing Kings; but who ſees not, what a vaſt difference there is, between maintaining that the Pope has no ſuch Power, and aſſerting the Right of Kings, in oppoſition to that unjuſt Pretenſion; and holding in oppoſition to what *Bartolus*, and all others learned in the Law, ſay, That a People who are oppreſſed by a Tyrant, under the venerable Name of a King, have a Right to deliver themſelves from Slavery? The Oaths of Supremacy and Allegiance, were at firſt preſcribed only in oppoſition to this Doctrine of the *Romiſh* Church; and if we find any where that the *Engliſh* Reformers in the foregoing Age, have writ That the People cannot break the Oath of Allegiance ſworn to their King, it was only to beat down the unjuſt Power the Pope pretends to, of abſolving Subjects from their Oath of Allegiance, upon their being depoſed or excommunicated by him. What I here affirm, is ſo true, that B. *Jewel*, in the Defence of his Apology, *p.* 16. takes the part of *Luther*, *Melancton*, and other Reformers, who were falſly accuſed of fomenting the Rebellion of Subjects againſt their Princes; and maintains, that the Example of *David*, fighting againſt *Saul*, for the ſaving of his own Life, did juſtifie their Opinion in that point,

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as well as the proceedings of the Protestant Nobles in *France*, who had taken up Arms in defence of the Laws and their Religion. *Bilson*, Bishop of *Salisbury*, highly asserts, That it is Lawful to resist a Prince, who changes the form of Government into Tyranny; or who disregards the Laws enacted by the consent of Prince and People, in prosecuting of his Lust; he maintains, I say, in this case, and some others, That if the Nobles and Commons join themselves in defence of their Ancient Liberties, their Laws and Government, that they cannot be accounted Rebels. He asserts also in the same place, That the People may preserve the Liberty, Fundamental Laws and Form of their Government, *which they forepriséd, when they first consented.* It is clear then, that if our Learned Bishop were yet alive, he would not at all be offended at that principle of the Commons, That there is an Original Contract between the King and his People, *Bilson p.* 520. last Edit. Bishop *Jewel* and Bishop *Bilson* indeed were only private Persons, but what is far more considerable, the whole Body of the Clergy in the Reign of Queen *Elizabeth*, consented to a Subsidy towards supporting the *Scotch* Protestants, oppressed by their Queen, assisted by *France*; and relieving the States of *Holland*, when they shook off the Yoke of *Philip* the Second, as well as the Protestants in *France*, who were oppressed and persecuted contrary to the Laws, and the Faith of Solemn Oaths; as appears from several Acts of the Clergy, in the Convocations held under Queen *Elizabeth*. Shall any one say, that the whole Clergy were then of Opinion, that it was Lawful to contribute to the assistance of Rebels, against their Lawful Princes? Or is there any other way left to justifie them, but by supposing, that as it was Lawful for the *Scotch*, *French* and *Hollanders* to defend themselves against Oppression and Tyranny, so was it also to assist them with Money in this their just defence.

Thirdly, *Robert Abbot*, the King's Professor at *Oxford*, and afterwards Bishop of *Salisbury*, published in 1603 his Treatise, entitled, *Demonstratio Antichristi contra Bellarminum.* In the 7*th.* Chapter of this piece, to refute *Bellarmine*, who maintained, That the Protestants of *France* had been destroyed by the Effects of the Civil War, which their Rebellion was the cause of, and not by the Persecution of Papists, after having proved that the Papists had in time of Peace destroyed an infinite number of them, who could not be accused of having taken up Arms, he lays down, First, That probably this their Barbarous dealing with

with the Proteſtants, might be the occaſion of the Civil War; but that the Proteſtants had not taken up Arms to oppoſe the violence of their Perſecutors; but having been ſo barbarouſly and cruelly dealt with, againſt all Law and Equity, they judged they did nothing but what they were allowed to do by the Laws of their Country. 2. That the Papiſts who periſhed in that War, had been juſtly killed, becauſe they had taken up Arms againſt the Publick Faith, againſt Edicts and Covenants, againſt the Laws of their Country, againſt the Prerogative of the Nobility, againſt the Immunities and Privileges of Cities and Corporations; and all this either by reaſon of the unjuſt Uſurpation of Princes; or by the licentiouſneſs of ſome factious Perſons. 3. He aſſerts, that the right of a Prince over his Subjects, is a Political Queſtion, which muſt be diſcuſſed by the Fundamental Laws of each Government; according to which we are to judge whether the Prince has an infinite and unlimitted Power; or ſuch as is tempered and allayed more or leſs by the will of the Lords and People. 4. He lays down alſo, That the *Roman* Emperours having an unlimitted Power, inſomuch that the Lives and Laws of their Subjects did depend on their Will and Pleaſure; this was it put the Chriſtians under a neceſſity of ſuffering, without being able to take up Arms againſt them; but that the caſe of the *Dutch*, *French* and *Engliſh* Proteſtants was very different, whoſe Princes had only a Power bounded by Law; which bounds whenever they tranſgreſs, the Nobles and Gentry judge they may lawfully repel an unjuſt force, and caſt off the Yoke, which by Violence, and againſt Law, has been put upon them.

He maintains alſo, that the King of *Spain* holding the Principality of the Low-Countries only by Agreement and Covenant; upon his breaking off that Covenant, and acting proudly againſt his plighted troth, it was judged that by ſo doing, he had diveſted himſelf of that Principality; and that conſequently the United Provinces were free to take up Arms againſt him, and deliver themſelves from his Tyranny. 5. He aſſerts the ſame thing, with reſpect to the Proteſtants of *France*, grounding his aſſertion upon the Conſtitution of that Government, where the King's Power was at that time limitted, and reſtrained within narrower bounds than now it is, ſince the aboliſhing of the Eſtates General. 6. Concerning *England* he expreſſes himſelf in theſe terms: *In like manner, our Church, after that ſhe had continued a great while in bondage under Antichriſt,*

Antichriſt, without any worldly aſſiſtance, and begun, through the Mercy of God, to lift her head above Water, and had obtained a ſecurity by Law, the Nobles and Gentry taking her part; ſhe now began to make uſe of her own ſtrength, and by taking up Arms, to vindicate her Religion now ſecured to them by Declarations, Laws and Privileges, from the unjuſt oppreſſion of Tyrants.

It ſeems to me that if any one ſhould have entreated this famous Doctor, who, from the Chair of Kings Profeſſor, was promoted to the See of *Salisbury*, to give his judgment concerning the matters now in queſtion, he could not have ſpoken more to the purpoſe, or more ſolidly and ſtrongly overthrown the ungrounded prejudices of ſome Divines, which we cannot but look upon as the only foundation of the Scruples, that at this time diſquiet the Minds of ſome good Men. 4. We ſee clearly our *Hooker* in his *Eccleſ. Policy*, *l.* 1. *c.* 10. maintains, That all Civil Governments are deriv'd from the Deliberation, Conſultation and Conſent of the Parties concerned, and that conſequently the Power of making Laws, belongs to the Body of the Community; and that it is meer Tyranny for any Prince to arrogate this Power of impoſing Laws, except the ſame be exerciſed by Virtue of Divine Authority perſonally and immediately granted to the Prince (which never had place but in the Kings of *Iſrael*) or by the Authority at firſt derived from the conſent of the People. The ſame notion we alſo find in *Petr Bertrand*, Cardinal, concerning Civil and Eccleſiaſtical Power, which ſhews that Reaſon always ſpeaks from the ſame grounds; and all put together is an evident proof, that there is nothing in the Articles or Canons of the *Engliſh* Church that is contrary to the Opinion of other Divines in this matter. It will be to little purpoſe to Object againſt what I have now ſaid, the firſt Canon agreed upon by the whole Clergy in 1640. *For Subjects to bear Arms againſt their Kings, offenſive or defenſive, upon any pretence whatſoever, is at leaſt to reſiſt the Powers which are ordained of God. And though they do not invade, but only reſiſt*; St. *Paul* tells them plainly, *They ſhall receive to themſelves damnation*: But this Canon though indeed it be couched in very general terms; yet it doth not reach the point in queſtion (not to ſay that it is not allowed, and therefore of no Authority:) For Firſt, it ſpeaks of a King, that has not diveſted himſelf of that Character, by a Deſpotical management of the Government, whereof all his Subjects are Witneſs. 2. It makes no mention of the Body of the Government, but ſimply of

Subjects; that is, private Persons, who may oft alledge specious Pretences for their Rebellion, and who may have just Occasion to complain of the Power which oppresses them. And certainly, whatever may be the Judgment of some Divines of the *English* Church, who have, these fifty Years last past, writ concerning these Points, in a different Manner from what the first Reformers of that Church have done; it is evident, beyond dispute, that the Body of that Church have never been carried away with the Mistakes of these new Divines; as may be made out by the following three Reflections upon the Conduct of the most famous Members of that Church.

Thus we see, that when K. *James* II. having understood the Arrival of the P. of *Orange* at *Exeter*, sent for the Archbishop and Bishops that were then in, or near *London*, for to engage them to publish an Act of Abhorrence of the Prince's Undertaking, and against the Union of the Lords, who had sollicited his Aid and Assistance; those Prelates very generously refused to publish any Act of that nature. What other Reason can we conceive they had for justifying their Refusal, but this; That being perswaded in their Consciences, that the King had carried himself with much Injustice towards the State, and that the Prince, and Lords that joined with him, might of right oppose by force, a Violence armed for the destruction of the Laws and Government, they could not give a publick Testimony of abhorring this their Enterprize? Who can question, but that they were well acquainted, that the Laws of *England* were not opposite to the Doctrine of their Church? Now the *English* Learned in the Law read in *Bracton*, *l.* 2. *c.* 16. and in *Fleta*, *l.* 1. *c.* 17. these memorable Words, *In governing of the People, the King has above him the Law, by which he is constituted King, and his Parliament*, viz. *the Earls and Barons*; *the Earls in Latin being called* Comites, *that is, Companions and Fellows*: *Now he that has a Fellow, has a Master*; *wherefore, if the King become lawless, they must give him Law, and curb him.* When we speak of curbing a King who is in Arms, in order to oppress the State, it is evident, that it imports an obliging him by force, either to renounce his tyrannical Courses, or force him to leave the Land.

The second Step of the same Prelates makes it appear, that we have not drawn an undue Consequence from their refusing to publish an Act of Abhorrence; for no sooner had *James* II. quitted the Government, but they accompanied the other Lords at *Guild hall*; where

where they returned publick Thanks to the P. of *Orange*, for having delivered the Government from Popery and Slavery. Now 'tis apparent, they could not have done so, without supposing, 1. That the Arms taken up by the P. of *Orange* and Lords, against *James* II. were just. 2. That he might be lawfully attacked, and forced to Reason, by the Arms of those, to whom they address'd their Thanks for having taken them. 3. That his withdrawing out of the Land was an open Proof of the Character of a profess'd Enemy of the State, which he had evidenc'd to the last, and was now going to give the Marks of it abroad, by making use of Foreign Arms, when other Means failed him. 4. That they were obliged of Right, and in Duty, to join with the P. of *Orange*, to repel the force of a sworn Enemy to the State; whom neither Reason, nor the Misery to which he was reduced, could withdraw from the Design he had formed, to ruin the Laws, and his Subjects, in order to establish Popery. I referr it to the Judgment of all equitable Men, to consider whether I wrong these reverend Prelates, in drawing these Consequences from their Proceedings, and by supposing that they are directly contrary to the Opinions some will needs affix to the Body of the Church of *England*; when it is apparent, that they could not have more solemnly dis-avowed them, than they have done by these their Actings.

Nor is this all; but these great Examples given by the Prelates, have been almost generally followed by the inferior Clergy; some, and those the most considerable amongst them, having engaged themselves in Acts of Association; others having expressed to the King and Queen the Marks of their Duty and Fidelity, both publickly and privately, as well in Acts of Religious Worship, in which it cannot be thought they should dissemble, as in political and civil Actions, as far as their Function permits them to have a share therein. This appeared more especially, in the Choice of Members for the Convention, in the publick Prayers for the King and Queen, and by the Writings some have published, in defence of the Proceedings of the Convention and Parliament: All which Testimonies being so publick and general, make it clear as the Sun, that it is an Imposing on the Church of *England*, to say, that she has embraced an Opinion, which a few of her Members have maintain'd, without considering, that it was a sure Means to encourage and establish Arbitrary Power, and promote the Designs of Popery; which could never hope to succeed, but by Arbitrariness, and

an Overturning of all the Laws made in these Kingdoms, for the Preservation of the Government, and the Protestant Religion. I acknowledge, that for these last fifty Years, divers Writings have appear'd in publick, which speak very differently of Sovereignty, and its Prerogatives, from what the former Divines of that Church ever did. It hath been pretended, that Kings were such *Jure Divino*, by Divine Right; that their Power in the Kingdom was unlimited and absolute; that they could not offend against the Laws, as being above them; that in successive Kingdoms, as *England* is, Kings, as soon as born, are possess'd of all the Royal Rights and Prerogatives; that the Heirs of a Crown have as real a Right to it, as a private Person has to his Father's Estate. In a word, they have proceeded to that Excess, as to maintain the Right of Kings, to be a Right immediately conferr'd by God himself; as if Commonwealths were no lawful Governments, nor the Emperor of *Germany* a lawful Prince, because he is made so by Election. But as we should much wrong the *English* Learned in the Law, should we suspect them to be the Authors of these Maxims, when we find Chancellor *Fortescue*, *c.* 13. asserting, *That the King is raised to that Dignity, to defend the Laws, his Subjects, their Bodies and Estates; and that to this end he is intrusted with a Power derived from the People, so that it is not lawful for him to lord it over his Subjects, by any other Power*; as it was reported in *Calvin*'s Case, *Coke*, 7 *Rep. fol.* 5. which agrees very well with the description of the Duty of a King, which we find in the 17th Chapter of St. *Edward*: So the Authors of these Books will not take it ill, that we cannot impute their extravagant Opinions to the Church of *England*: For, 1. We find, that *Charles* I. who understood the Tenets of the Church of *England*, as well as any Prince could, did confess, that his Power was bounded by Law, in opposition to what Dr. *Ferne* had maintained concerning it. *Charles* II. his Son, owned the same thing, upon occasion of dispensing with the Laws; notwithstanding that B. *Sanderson*, in his Treatise of Conscience, attributes that Power to the King, who (as he saith) is the Maker of the Laws, and whose Power consequently cannot be restrained by them. 2. The seven Bishops, by their Remonstrance made to the King, openly avowed, that the King had no power to dispense with the Laws, for as much as that Power had been declared illegal, by the Parliaments of 1662. and 1672. which shews their renouncing of that Notion, That the Laws, being of the King's own making, he may, when he pleases,

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diſpenſe with them. This may be eaſily gathered from the ten Propoſitions they offered to *James* II. in the Beginning of *October*, 1688. freely repreſenting to him the Exceſſes he had been guilty of, and exhorting him to amend them. Who ſees not that this Remonſtrance is founded upon Principles directly oppoſite to thoſe of theſe Novice-Divines; and is as proper to confound them, as it did *James* II. to whom they repreſented, with much ſweetneſs, the Miſcarriage he was reſolved to maintain by force of thoſe Arms he had taken up, againſt Law? 3. I would intreat theſe Modern Divines to compare a little theſe their Notions concerning Sovereignty, with thoſe the Canoniſts have advanced in favour of the Papacy; for I have ſo good an Opinion of them, that I believe they will bluſh as ſoon as they have made the Parallel. If we may believe the Canoniſts, they have the Scriptures, the Fathers, the Canons of the Church, and Reaſon on their ſide; and yet it is certain that *Gratian*, and ſome flattering Monks, are the only Authors of all the pretended Divine Right, of all this Superiority to Councils, of the Right of Diſpenſing with the Canons, and of that Superiority to all the Laws of the Church, as has been of late very ſolidly proved by the Divines of the Church of *England*. Is it poſſible for any one to imagine, that of all the World, none but ſome few Divines of the Church of *England*, could ever find in the Scriptures, in the Fathers, in Reaſon, in the Laws, thoſe Rights which they advance, and which they propoſe to us, as beſtowed upon Kings by God himſelf? Is it poſſible, it ſhould never come into their Minds, to compare their Opinions with thoſe of the Doctors of the foregoing Age, whoſe Hypotheſis is ſo contrary to thoſe they have endeavour'd to obtrude theſe fifty years laſt paſt? Is it poſſible they ſhould not bluſh, to be termed by *Æneas Sylvius*, the Flatterers of Kings; it being notorious, that a Flatterer imports a Man who has a Deſign to deceive others, and to profit by the Folly of thoſe he deludes by his Flattery? I heartily wiſh they may conſider of it, if it were for no other Reaſon, but to prevent the Application might be made to them, from the parallelism of their Opinion concerning Soveraignty, with that of the Canoniſts concerning the Papacy; of the Judgment of Pope *Adrian* VI. who, after he hath ſet forth the Vanity of the Proofs and Reaſons of the Canoniſts for the Pope's Superiority to Councils, could not think of any other tranſcendent Reaſon, why the number of Canoniſts that hoiſted

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the Popes Power, was ſo vaſtly encreaſed, but this: Becauſe, ſaith he, Councils meet but ſeldom, and beſtow no Benefices; whereas the Pope continues always, and has Benefices ready to gratifie thoſe that endeavour to pleaſe him.

The ſecond difficulty that gravels ſome ſcrupulous Spirits, proceeds from an Act of Parliament under King *Charles* II. conceived in theſe terms: *That it is unlawful for both, or either of the Houſes of Parliament, to raiſe or levy any War, offenſive or defenſive, againſt the King.* It ſeems indeed a hard matter to reconcile the Proceedings of the Convention with this Act of Parliament; yet if I may ſpeak my Judgment of the matter, I think this Scruple alſo may be eaſily ſatisfied, 1. We muſt remember that the Law ſpeaks only in favour of him, who preſerves the Title of a King, and not of one who diveſts himſelf thereof, by his unjuſt and arbitrary Deportment. The Oath of Obedience, which the Biſhops ſwear to the Pope, is couch'd in as binding terms as may be; and notwithſtanding, they do not think themſelves thereby obliged to obey the Pope after he is turned Heretick. And as *Grotius* has obſerved, in the place before quoted, Where the Sovereign Power is ſhared, as it is in *England*, it is always lawful for the Party whoſe ſhare is invaded, to defend their Right by force: And though the Kings are inveſted with the Power of waging War, yet this cannot deprive the Body of the States of the Right of defending the Laws againſt him, when he makes uſe of his Power of levying Arms to oppreſs the Laws; without which, the Peoples Rights and Privileges cannot be preſerved. 2. The terms of this Oath are to be underſtood, by comparing them with other Oaths, made in oppoſition to the Pretenſions of the Popes of *Rome*, to a Power of engaging Subjects in Rebellion againſt their lawful King, in caſe the Pope has thought good to excommunicate him.

But ſome will ſay, That *Charles* II. had quite another end in promoting this Act, and paſſing it: If that be all, I am willing to grant it; for Popery was engaged at that time to overthrow all the Laws of the Land, in order to ſet up her ſelf; neither could arbitrary Power (whereof he laid the foundation) ever be eſtabliſhed, without taking away this Curb from Kings, and that fear which the Conſtitution of the Government had oppoſed to their illegal Enterprizes. For it has always been accounted lawful in *England*, to oppoſe the overturning of the Laws: Wherefore I do not

not in the leaſt doubt, but that the Papal Party deſign'd this Law for their own proper uſe, when time and place ſhould favour them, to the end they might the more ſecurely deſtroy the Laws that curbed their Deſigns. We find another Act calculated for the ſame Meridian of *Rome*; whereby it was declared High Treaſon for any one to ſay that *Charles* II. was a Papiſt; which notwithſtanding was ſo great a Truth, that in 1670. he entred into a League with the *French* King, to re-eſtabliſh the Popiſh Religion in his Kingdoms, and to overturn the Laws. See here the account Abbot *Primi* gives us thereof, in his Book printed in *Italian* and *French* at *Paris* with Privilege of the King, under the Name of Count *de St. Mayole*: After that this Abbot had related the Endeavours of *Colbert de Croiſſy*, to engage King *Charles* II. to make War with *Holland*, he adds, That he at the ſame time ſigned a *Secret Treaty* with *France*; and to make it the ſurer, the Dutcheſs of *Orleans* his Siſter, came over to *England*, and propounded to him, in the Name of the moſt Chriſtian King, to aſſiſt him *in ſecuring to himſelf an Abſolute Authority over his Parliament, and to eſtabliſh the Roman Catholick Religion in the Kingdoms of* England, Scotland, *and* Ireland. She propoſed alſo the reducing of the States General, to the only Province of *Holland*, which would be an eaſie matter for two great and powerful Kings, united together, to accompliſh; and that by this means the King of *England* ſhould have *Zealand* for his ſhare, to ſerve him for a Retreat in caſe of need. Seeing then that we have reaſon to ſuppoſe that this Act was one of thoſe which were ſuggeſted and promoted by the Favourer of Popery, whoſe intent was to ſubvert the Laws ſecurely, and without the hazard of ever being call'd to an account for it; and that we ought beſides to obſerve, that the Clauſe here alledged, is only a preliminary Introduction to the Act concerning the Militia, which thereby was put into the hands of the King; and that after all, the Preliminaries of a Law are never ſo narrowly examin'd, as the Law it ſelf is, nor conſequently of the ſame Authority: It is evident that we ought always to reſtrain the Terms of the Law to the Intention of the Lawgivers. Let the Court then have deſign'd, as far as they could, to allow the King an unlimited Power, by expreſſing this Preamble in indefinite and very general terms, Will it follow that this is ſufficient to exclude a natural Caſe, which is always ſuppoſed to

See the printed Relation of this whole matter lately publiſh'd.

See the *Mercure Hollandois*, vol. 1.

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be excepted? I mean the ruin of the Government and its Laws, without which, it cannot ſubſiſt. Let the generality and comprehenſiveneſs of the Terms be urged as much as they can, it will neceſſarily follow, That thoſe who allow them ſo great a Latitude as to except the Caſe now mention'd, muſt acknowledge, That they have abuſed themſelves in paſſing this Act, or that others have abuſed and impoſed upon them. Now it is evident, That an Oath that is drawn from me *dolo malo*, by fraud and deceit, in a Caſe that is in it ſelf altogether unjuſt, and which I can never keep without deſtroying all the Laws that are neceſſary for the ſupport of Juſtice, is of no force to bind me; which is the Deciſion Divines and Lawyers give in this caſe. 2. It is yet more apparent, that this Oath will ſtill be of leſs force to oblige me, when it concerns a Caſe directly oppoſite to the Conſtitution of the Government; which being regulated by the Laws, cannot preſerve it ſelf under Tyranny and Arbitrary Power, if the ſame may not be reſiſted. 3. It is certain, that the Proceedings of the Convention have ſufficiently made it appear, that this Exception is in nothing repugnant to this Act of Parliament of the 13th. of *Charles* II. no not if we ſhould ſuppoſe, that the terms in which it was expreſs'd, might have been capable of abuſing thoſe, who had not ſufficiently apprehended the deſign of thoſe Expreſſions. Let no body object here, That this Clauſe is neceſſarily excluded, becauſe it was never excepted againſt in ſo many words: For to make this Objection of any validity, it would be neceſſary to ſuppoſe, that the Parliament could be able to grant a Law to *Charles* II. whereby he might ſurely and ſecurely overthrow the Government; and moreover, that *Charles* II. ſhould have been bold enough to require ſuch a Law of them. Now either of theſe Suppoſals are ſo fooliſh, that the mentioning of them is ſufficient to make out to any, that have never ſo little Wit or Reaſon, how groundleſs this Objection is.

I proceed now to the laſt Scruple ſome make to ſwear Allegiance to King *William* and Queen *Mary*, *viz.* That they do not think themſelves freed before God of the Oath they have taken to be true to *James* II. They ſeem to ground their Doubt thus: Suppoſe they have been deceived by the Oath they have taken to obey this Act of Parliament of the 13th. of *Charles* II. What though they have been maliciouſly impos'd upon? Yet certain it is, That they have ſworn Obedience to it in good earneſt, by which

which means their Conſcience is become fettered, and obliged to perform what they have ſworn to; whence it follows as they conceive) that they cannot derogate ſo far from their (former Oath, as to take this new one. I acknowledge that this Scruple ſeems to have ſome ground; for many Divines affirm, That Oaths extorted by force, do not for all that ceaſe to oblige the Conſcience. Thus they determine, That if a Man, fallen into the hand of Robbers, for the ſaving of his life, ſwears to pay them a ſum of Mony, he is obliged to pay it honeſtly. But thoſe who would make an advantage of this their Deciſion, muſt obſerve for their own ſatisfaction, That the ſame Divines who maintain, that the Religion of an Oath ſworn to God, obliges a Man to pay to Robbers the ſum he has promiſed by Oath to them, do notwithſtanding, in caſe of like nature, Reaſon after a quite other manner, becauſe of the Conſequences it draws after it. If a Robber has forced a Perſon to ſwear that he will not diſcover the Robbery, or declare it before the Magiſtrate, Is he obliged to keep this Oath? Here they define peremptorily, That he is not obliged to keep his Oath; the Reaſon is evident, becauſe his Oath in this caſe is unjuſt: If he keeps it, he hinders the courſe of Juſtice; he encourages the Robber in his Crimes, he expoſes his Neighbours to the ſame danger, he hinders the Publick from delivering her ſelf of an Enemy, whom it is her Intereſt to deſtroy. This Deciſion therefore makes it apparent, that thoſe who might keep their Oath, in a caſe only concerning their particular Intereſt, may not do ſo, when the publick Intereſt is concern'd. Whatſoever force an Oath may be ſuppoſed to have, yet it muſt be acknowledged,

Firſt, That an Oath about a thing unlawful, doth not oblige; otherwiſe *Herod* would have deſerved Praiſe for beheading *John* the Baptiſt. Now an Oath whereby I engage my ſelf to ſuffer the overthrow of Religion and Government, without oppoſing the ſame, to my Power, by preſerving the Laws and Religion, is an Oath to a thing unjuſt and unlawful, as being deſtructive to the Government, and to Religion.

Secondly, That the State of Things and Perſons being changed, neceſſarily carries along with it a change in the Obligation of the Oath. Common ſenſe taught *Seneca*, *De Benefic.* L. 4. c. 34. *That for the obliging of any one to perform what he has promiſed, it is neceſſary that things continue in the ſame eſtate they were, when he made*

the promiſe, becauſe no body promiſes, but upon certain Conditions; which being changed, he is neither a Lyer, nor unfaithful, for not performing it. Suppoſe then that we have promiſed to *Charles* II. all that the Act of the 13*th.* year of his Reign does import, becauſe *Charles* II. had declared that he would obſerve the Laws, and not oppreſs either the Liberty or Religion of his Subjects, does it follow that therefore I am bound to keep that promiſe to a Succeſſor, whoſe carriage all along has evidenced, beyond a poſſibility of doubting, that he was reſolved to overthrow the Laws of the Kingdom, and the Proteſtant Religion?

Thirdly, That Reciprocal Oaths are diſſolved and made void, by the non performance of one of the Parties: Now it is apparent that this Act of Parliament of the 13*th.* of *Charles* II. is no other Oath but what is taken at the Coronation, though the Papiſts have endeavoured to biaſs it, in favour of their deſigns, and to make it a ſupport for Tyranny, which they were reſolved to introduce, as appears from the Letters of *Coleman*, and ſeveral other attempts, which have cleared it to all the World; but this Oath, ſuppoſeth the King ought to keep the Coronation Oath; which Oath he having violated, it follows that this Oath can no longer oblige thoſe who have taken it; this being a thing I have already obſerved, I ſhall no longer inſiſt upon it. To what has been ſaid may be added, That they that harbour theſe doubts, do not ſufficiently conſider the Party wherewith they engage themſelves, and by their example, thoſe alſo who rely upon their honeſty. 1. How can they think it Lawful for them in this caſe, to condemn thoſe, who repreſent the Body of the State, if they think themſelves bound by the Authority of the Parliament of the 13*th.* of *Charles* II? How is it they do not perceive that the preſent Convention and Parliament being veſted with the ſame Authority, are ſufficient to diſcharge them of an Oath they have been made to take by any preceding Parliament? 2. Is it not a thing directly oppoſite to the Spirit of Chriſtianity, for any to arrogate to themſelves the examining of theſe matters, or to engage every private Perſon in the ventilating of publick Declarations, which eſtabliſh the Authority of Temporal Superiors? Suppoſe we that the Prince of *Orange* had invaded *England*, and that by Conqueſt he had obtained the Royal Authority, would not they have been obliged to ſubmit to him, in caſe they were reſolved to ſtay in the Land, and to ſwear Allegiance to him, if they would enjoy his protection.

protection. If they will not own this Truth, must it not follow that all the Bishops and People that have ever lived under Usurpers, have thereby made themselves liable to Everlasting Damnation? Where doth God command every Christian upon pain of damnation, to examine the Titles of those, who make themselves Masters of a Kingdom? And how much less of those, who have been exalted to the Royal Dignity by those, in whom the Authority and Trust of the whole Body of the Community did reside? What I here propound, is a matter so inconteſtable as well in the Commonwealth as in the Church, that on the one side a Pardon granted to Criminals, by a King who is only so *de facto*, is accounted irrevocable, when the King *de Jure*, returns to the possession of the Government he had lost; as we find it determined by *Coke* 3 *Instit. c.* 1. *f.* 7. The reason for it is demonstrative, because this pardon proceeds from the Authority Royal wherewith he is invested. We have a like case decided by Lawyers, and 'tis this, That those who assist a King *de facto*, are exempt from any punishment, when the King *de Jure* is restored to the Possession of his Kingdoms, which is so determined by *Coke* in the same place, *Coke* 3 *instit. c.* 1. *f.* 7. On the other side the *English* Divines, who are most employed about the like Notions, as Bishop *Sanderson*, have clearly decided the case of Conscience. Bishop *Sanderson* has writ a small Treatise on purpose, wherein, upon occasion of the *Engagment* imposed in *Cromwel*'s time, and conceived in these terms: *I do promise to be true and Faithful to the Common-Wealth of* England, *as it is now established without King or Lords*; which raised Scruples in some, like those we meet with at this time, he exhorts his Friend to take it, strongly maintaining and proving he might do it with a good Conscience. I would advise our Scrupulous Gentlemen, to read that small Treatise with attention, though I cannot dissemble a palpable contradiction it contains, when the Author supposes, a Man may take that Oath, and yet preserve the obligation he was under before, *viz.* of being Faithful to the King. For my part I freely profess, I can no way comprehend how any Divines can scruple taking the Oaths of Allegiance to the King and Queen, when they attentively reflect on our Saviour's behaviour. The *Jews* believed and that truly, that they were under a Monarchy, immediately instituted by God himself: The Law of Soveraignty amongst them was, that the Throne could not be possessed but by one of their Brethren, that

is of their own Nation and Religion. The Phariſees building on this ground, rejected the Authority of the *Roman* Emperours, whom they looked upon no better than Uſurpers. Let us ſee how our Saviour decides the Controverſie, wherein the Phariſees differed from the *Eſſenians*, who ſubmitted themſelves to that Foreign Power: He declares himſelf in favour of the *Eſſenians*, notwithſtanding all the ſpecious pretences wherewith the Phariſees endeavoured to defend their Rebellion. It is therefore evident, that though we ſhould ſuppoſe that *James* II. had been as immediately appointed to the Throne of *England*, as any of the *Jewiſh* Kings, as long as the Throne at preſent is filled by the King and Queen, we are obliged to obey them, and conſequently to Swear Allegiance to them. What, did Jeſus Chriſt our Bleſſed Saviour think himſelf obliged to own him for a Lawful High-Prieſt, who was made ſo by one of the Emperour's Commiſſioners, though againſt Law, which ordered the eldeſt Son of the High-Prieſt to ſucceed in his Father's place, only becauſe he was put into that Station by him who repreſented the Soveraign Power in *Jewry* at that time; and ſhall any one offer to diſpute the lawfulneſs of owning the Authority the King and Queen enjoy by conſent and agreement of the State? Surely whatſoever notions any may have concerning the Original of Soveraignty, we cannot rationally imagine any thing more advantageous in favour of it than this, That it was inſtituted by God for the Government and Preſervation of the People. And as to the Perſons inveſted with the Royal Dignity, I don't believe any Wiſe Man can pretend, that there is an immediate Grant of the Soveraignty, to any one Prince at preſent in the World; much leſs that God has marked out any Family, for to ſettle upon them the Rights of Soveraignty: let them ſhew this Grant or a tranſcript of it if they can; it would be great ſatisfaction to the Houſe of Commons. The reaſon therefore why any Perſon is inveſted with this Dignity, is only the choice that has been made of him, by the conſent of the People: This conſent of the People, or of the moſt conſiderable amongſt the People, has conſtituted the Forms of all Lawful Governments, and has legitimated thoſe Empires, that were at firſt obtained by Conqueſt or Violence. And we may in particular add, that after this manner things have been carried in *England*, as we may ſee in the *Mirror of Juſtices*, c. 1. §. 2.

Now this being once granted; foraſmuch as the Peoples Conſent cannot be ſuppoſed, without the Condition of keeping the Fundamental Laws of the Government, which are of abſolute Neceſſity to the Subſiſtence of the State, it is inconteſtable, That when a Prince has endeavoured the Overthrow of all the Laws, the Obligation of obeying him muſt needs ceaſe and become void. This is a thing ſo ſelf-evident, That a Papiſt who has lately publiſhed *the Remonſtrance and Proteſtation of all the good Proteſtants of this Kingdom*, declares, that if *James* II. were once convicted of ſuborning the Prince of *Wales*, of the League with *France*, of the Murther of the Earl of *Eſſex*, and of *Charles* II. we had done with him forever. It is notorious, that without putting our ſelves to the Trouble, to lay open theſe particular Actions, whereof he pretends *James* II. ought to be convicted, there are but too many others, known to all, which are ſufficient to render him convict of having overturned the Laws of the Government, and the Conſtitution of it, and to acquit his Subjects of their Oath of Allegiance. Nay, I'll go further, That it is impoſſible to keep the Faith we have promis'd to an Arbitrary Prince, without involving our ſelves in an Infinity of Sins and Crimes; for as oft as we render him any Act of Obedience, we make our ſelves Partakers of his Irregularities, and we foment and encourage them, we become the Enemies of our Country, Traitors to the State, and Community of which we are Members, and draw down the Curſe of God upon us. I ardently deſire, That thoſe who are uneaſie under the Scruples I have here examined, would ſeriouſly conſider of it. The Diviſions they may occaſion, cannot but prove very tragical. Their Scruples are only founded on Prejudices, and fomented by thoſe who would deſtroy them; theſe their Prejudices are condemn'd by all Divines in general, whether Papiſts or Proteſtants, who without Intereſt have writ on this Subject. Here can be no dallying in the Caſe, if they think themſelves bound by their Oath to *James* II. to anſwer this Obligation, they muſt pay him Taxes and all his Dues, and oppoſe themſelves to the Eſtabliſh'd Government; they muſt exhort others to do the ſame; for no Government will harbour Neuters in her Boſom: Their ſuſpended and doubtful State, deſerves no better Character, than that of a Spirit of Diſcontent, which politickly ſmothers its Averſion, till it have an Opportunity of raiſing ſo powerful a Faction, that it may bare-fac'd own its Obedience.

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We may pity thoſe, who by their Writings have defended theſe kind of Maxims, ſo pernicious to Society, and the firſt cauſes of theſe Scruples, becauſe we are willing to believe, that they have been trapann'd by the crafty wiles of a Court, who made Tools of them unknown to themſelves: But it would be a thing moſt unworthy of Divines, of Chriſtians, and of honeſt and wiſe Men, obſtinately to eſpouſe ſuch Maxims, as are good for nothing but to encreaſe Arbitrary Power in the World; eſpecially at this time, when God has delivered us from its Rage and Fury. The efficacy of theſe Maxims is ſo apparent in *France*, that we may eaſily apprehend what they are capable of inſpiring proud and haughty Spirits with. Our good God be for ever bleſſed, for that thoſe Divines, who have ſo far been impoſed upon, as to defend thoſe Maxims which haſtned their own ruine, and made that of the State inevitable, have now an opportunity to undeceive themſelves, by a ſofter and cheaper way than thoſe of Popiſh Butcheries and Arbitrary Power, which without queſtion would have open'd their Eyes wide enough, and made them hate thoſe Maxims only ſomewhat too late for the good of the Church and Commonwealth.

FINIS.

Books lately printed for *Richard Chiſwell.*

Scriptorum Eccleſiaſticorum Hiſtoria Literaria a Chriſto nato uſque ad Sæculum XIV. *Facili Methodo digeſta. Qua de Vita illorum ac Rebus geſtis, de Secta, Dogmatibus, Elogio, Stylo; de Scriptis genuinis, dubiis, ſuppoſititiis, ineditis, deperditis, Fragmentis; deque variis Operum Editionibus perſpicue agitur. Accedunt Scriptores Gentiles, Chriſtianæ Religionis Oppugnatores; & cujuſvis Sæculi Breviarium. Inſeruntur ſuis locis Veterum aliquot Opuſcula & Fragmenta, tum Græca, tum Latina hactenus inedita. Præmiſſa denique Prolegomena, quibus plurima ad Antiquitatis Eccleſiaſticæ ſtudium ſpectantia traduntur.* Opus Indicibus neceſſariis inſtructum. Autore *GULIELMO CAVE*, SS. *Theol. Profeſ. Canonico Windeſorienſi. Accedit ab Alia Manu Appendix ab ineunte Sæculo* XIV. *ad Annum uſque* MDXVII. *Fol.* 1689.

Dr. *BURNET* [now Biſhop of *Salisbury*] his Life of Dr. *William Bedell* Biſhop of *Kilmore* in *Ireland*; to which are annexed the Letters betwixt him and *Wadſworth*, about Religion.

——Two Letters written upon the Diſcovery of the Popiſh Plot; together with a Collection of ſeveral other Tracts and Diſcourſes: Written by him betwixt the years 1678, and 1685. To which is added, a Letter written to Dr. *Burnet*, giving an Account of Cardinal *Pool*'s Secret Powers. The Hiſtory of the Powder-Treaſon, with a Vindication of the Proceedings thereupon. An Impartial Conſideration of the Five Jeſuits dying Speeches, who were Executed for the Popiſh Plot, 1679.

—— A Vindication of the Ordinations of the Church of *England*: In which is demonſtrated, That all the Eſſentials of Ordination, according to the Practice of the Primitive and Greek Churches are ſtill retained in the Church.

——Reflections on the Relation of the Engliſh Reformation lately printed at *Oxford*. In two Parts. 4*to.*

——Animadverſions on the Reflections upon Dr. *BURNET*'s Travels. 8*vo.*

——Reflections on a Paper, intituled, His Majeſty's Reaſons for withdrawing himſelf from *Rocheſter.*

——Enquiry into the preſent State of Affairs, and in particular, Whether we owe Allegiance to the King in theſe Circumſtances? And, whether we are bound to Treat with Him, and call Him back, or no?

——Sermon preached before the Prince of *Orange*, 23*d.* Decemb. 1688.

——Thankſgiving Sermon before the Houſe of Commons, 31. *Jan.* 1688.

——Eighteen Papers relating to the Affairs of Church and State, during the Reign of King *James* II Seventeen whereof were written in *Holland*, and firſt printed there; the other at *Exeter*, ſoon after the Prince of *Orange*'s Landing in *England.*

——Letter to Mr. *Thevenot*; containing a Cenſure of Mr. *Le Grand*'s Hiſtory of King *Henry* the Eighth's Divorce. To which is added, A Cenſure of Mr. *De Meaux*'s Hiſtory of the Variations of the Proteſtant Churches. Together with ſome further Reflections on Mr. *Le Grand.* 1689.

Dr.

Books lately Printed for Richard Chiſwel.

Dr. *PATRICK's* Sermon before the Prince of *Orange*, 20. *Jan.* 1688.

——Sermon before the Queen at *Whitehal*, *March* 1. 1688.

——Sermon at St. *Paul's Covent-Garden*, on the firſt Sunday in *Lent*, being a Second part of a Sermon preached before the Prince of *Orange*.

A Letter written by the *Emperour* to the late *King James* ſetting forth the True Occaſion of His Fall, and the Treachery and Cruelty of the *French*.

King *William* or King *Lewis*, wherein is ſet forth the inevitable neceſſity theſe Nations lie under, of ſubmitting wholly to One or Other of theſe Kings, and the matter in Controverſie is not now between K. *William* and K. *James*, but between K. *William* and K. *Lewis* of *France* for the Government of theſe Nations.

Books lately Publiſhed.

A Letter Written by a Clergy Man to his Neighbour, concerning the preſent circumſtances of the Kingdom, and the Allegiance that is due to the King and Queen. 4°.

The Caſe of Allegiance in our preſent circumſtances conſidered, in a Letter from a Miniſter in the City, to a Miniſter in the Country. 4°.

A Sermon preached at *Fulham*, in the Chappel of the Palace, upon *Eaſter* Day, 1689. at the Conſecration of the Right Reverend Father in God *Gilbert* Lord Biſhop of *Sarum*: By *Anthony Horneck*, D.D. 4°.

The Judgments of God upon the *Roman Catholick Church*, from its firſt Rigid Laws for Univerſal Conformity to it, unto its laſt End. With a proſpect of theſe near approaching Revolutions, *viz.* The Revival of the *Proteſtant* profeſſion in an Eminent Kingdom, where it was totally ſuppreſſed. The laſt End of all *Turkiſh* Hoſtilities. The general Mortification of the power of the *Roman Church* in all parts of its Dominions. By *Drue Creſſener*, D.D. 4o.

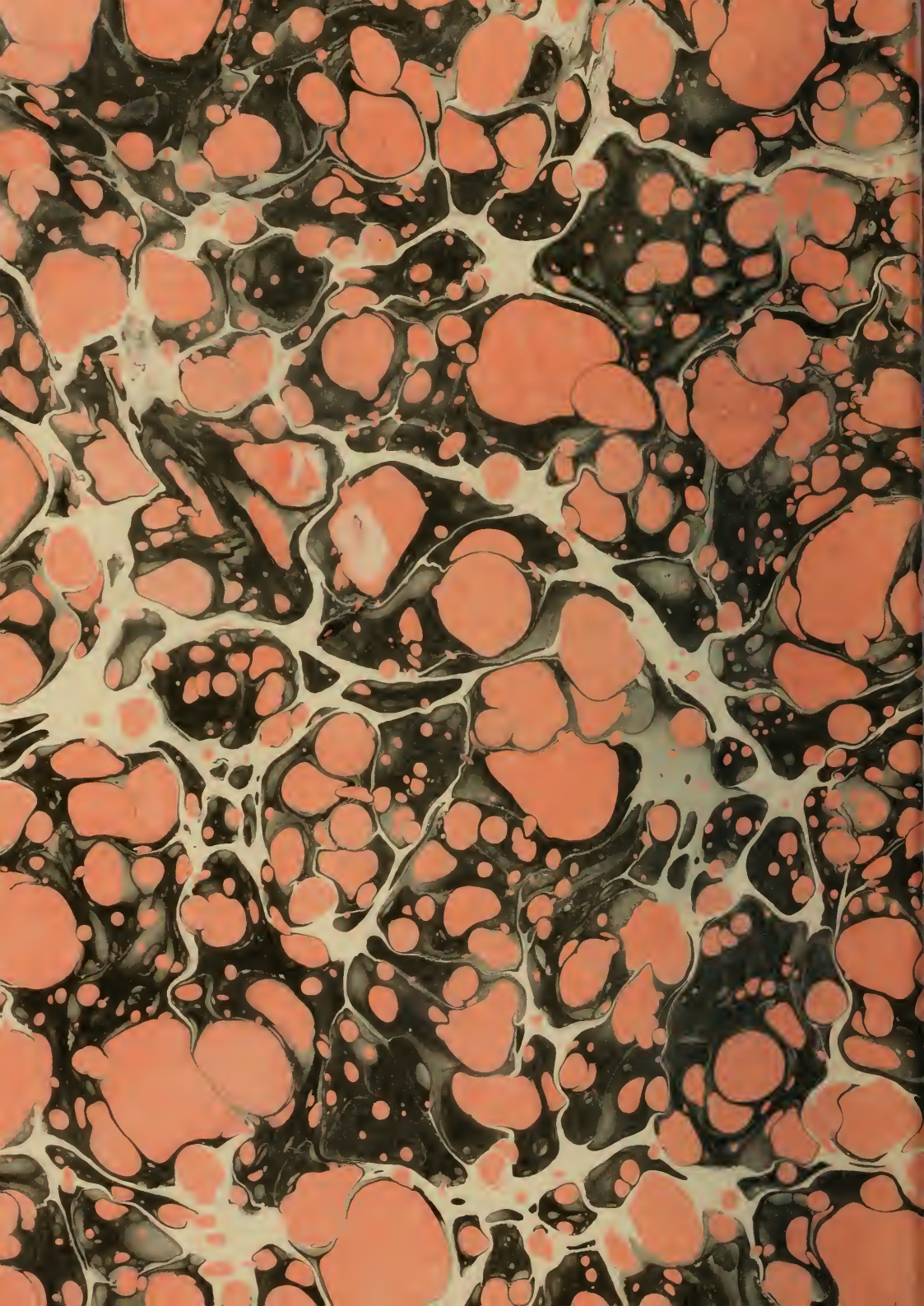
A Breviate of the State of *Scotland* in its Government, Supream Courts, Officers of State, Inferiour Officers, Offices and Inferiour Courts, Diſtricts, Juriſdictions, Burroughs Royal, and Free Corporations. *Fol.*

An Account of the Proceedings of the Convention of the Eſtates of *Scotland*, from their firſt ſitting down to this Time; which will be continued weekly.

An Account of the Reaſons which induced *Charles* II. King of *England* to declare War againſt the States General of the United Provinces in 1672. And of the Private League which he entred into at the ſame Time with the French King to carry it on. And to Eſtabliſh Popery in *England*, *Scotland*, and *Ireland*. As they are ſet down in the Hiſtory of the *Dutch* War; Printed in *French* at *Paris*, with the Privilege of the *French* King in 1682. Which Book He cauſed to be immediately Suppreſſed at the Inſtance of the *Engliſh* Embaſſadour. *Fol.*

A Diſcourſe concerning the Worſhip of Images, Preached before the Univerſity of *Oxford* the 24*th.* of *May*, 1686. by *George Tullie* Sub-Dean of *York*; [For which he was ſuſpended.] 4°.

Some Conſiderations touching Succeſſion and Allegiance. 4°.

Reflections upon the late Great Revolution: Written by a Lay-Hand in the Country, for the ſatisfaction of ſome Neighbours. 4°.

The Hiſtory of the Diſſertion; or an Account of all the publick Affairs in *England*, from the beginning of *September* 1688. to the Twelfth of *February* following. With an Anſwer to a Piece called *The Diſſertion Diſcuſſed*, in a Letter to a Country Gentleman. By a Perſon of Quality. 4°.